

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN BURKE,

Plaintiff,

-vs-

CULLEN & TROIA, P.C., and KENMORE
ASSOCIATES, L.P.,

Defendants.

Case No.: 12-cv-4280 (GBD)

ANSWER TO CROSS CLAIM

Defendant Cullen & Troia, P.C. ("Cullen"), by its attorneys, Keidel, Weldon & Cunningham, LLP, as and for its Answer to the Cross Claim of co-defendant Kenmore Associates, L.P. ("Kenmore") contained in its Amended Answer and Counterclaim dated July 25, 2012 hereby responds as follows, upon information and belief:

12. Denied.

13. Denied.

Cullen does not have sufficient information or knowledge upon which to form a belief as to any allegations or claims which have not been responded to herein and therefore, leaves Kenmore to its proof.

FIRST AFFIRMATIVE DEFENSE

If Kenmore sustained any loss or damages as a result of the matters as alleged in the cross claim, then such loss or damages will have been caused and brought about by the affirmative conduct and/or wrongdoing of Kenmore.

SECOND AFFIRMATIVE DEFENSE

Kenmore's cross claim should be dismissed because any acts or omissions of Cullen were not the proximate cause of Kenmore's alleged damages, but any possible damages were the result of conduct of unrelated third parties.

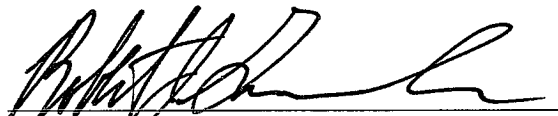
JURY DEMAND

CULLEN demands a trial by jury of all issues so triable.

Dated: White Plains, New York
July 26, 2012

KEIDEL WELDON & CUNNINGHAM LLP

By:



Christopher B. Weldon, Esq. (CW2260)

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